IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.16298 of 1995

Between:

Ulikanti Rali Reddy R/O G Kothapalli, 48 years,
H/O.Gandlaparthi, Rapthadu (M), Anathapur District.

...PETITIONER

AND

1. The District Collector, Anantapur, Anantapur District.
2. Ramalakshmamma, W/o.Late Bali Reddy, Employee, C/o.Anantapur Municipality, Anantapur.
3. Lakshmi Reddy, S/o.Muppa Reddy, R/o.G.Kothapalli Village, H/o.Gandlaparthy, Rapthadu Mandal, Anantapur District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the order of the 1st respondent passed in L.Dis.No.MC.44768/95 dated 22.05.1995 as illegal, arbitrary and without jurisdiction.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent Nos.2 and 3: MR.PRABHAKAR SARMA

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.16298 of 1995

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ORDER:

Heard Sri O.Manoher Reddy, the learned counsel appearing for the petitioner and the learned Government Pleader for Revenue (General) appearing for the first respondent and Sri Prabhakar Sarma, the learned counsel appearing on behalf of the contesting respondent Nos.2 and 3.

In this Writ Petition, the petitioner's main grievance was only against the impugned proceedings dated 22.05.1995 passed by the first respondent herein granting police protection to the contesting respondents herein.

The learned counsel for the petitioner submits that as against the order dated 13.07.1995 passed by the District Revenue Officer granting stay, a regular appeal is pending and pending such proceedings, the impugned orders came to be passed.

It is seen that the impugned order was suspended by this Court as per the orders in W.P.M.P.No.19891 of 1995 dated 25.07.1995 and the same are still subsisting. Having regard to the same and especially having regard to the pending of the substantive appeal, it is not necessary to go into the pleas raised on either side.

In the circumstances, the Writ Petition is accordingly disposed of directing the appellate authority to dispose of the said appeal on merits and in accordance with law and after giving notice and opportunity on both sides, within a period of three months from the date of receipt of a copy of this order. It is needless to say that the suspension orders granted by this Court on 25.07.1995 with regard to the impugned order shall continue to remain in force.

Office to mark a copy to the Revenue Divisional Officer, Ananthapur.

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(B.PRAKASH RAO, J)

17th February 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The District Collector, Anantapur, Anantapur District.
2. The Revenue Divisional Officer, Anantapur District.
3. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.